



December 20, 2012

Chairman Julius Genachowski
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel

VIA EMAIL

Dear Chairman & Commissioners:

On behalf of Americans with hearing loss who cannot hear on the phone the Hearing Loss Association of America protests strongly the Commission's proposal of emergency rules that could put a moratorium on IP CTS and/or introduce stringent certification requirements. This is a rash, short-sighted move that will impact thousands of people in their everyday lives. It is a move to solve the perceived problem of a fund going broke on the backs of consumers. There are other avenues that the FCC can take to avoid a short fall in the Federal TRS fund and to ensure that the providers of services use TRS fund properly.

The introduction of captioned telephones represents the first time a relay service that truly meets the needs of this population who need to be able to use their residual hearing to understand the conversation to the best of their ability and to read captions when the dialogue is missed. These people are teenagers, boomers, veterans, lawyers, small business owners, teachers, doctors, mothers, fathers, husbands, wives, sons and daughters, who are doing their best to get an education, earn a living, pay their taxes, interview for a job, keep healthy, raise a family. To take away their ability to stay connected in the most common way of communicating in this day and age is discriminatory, and goes against the very intent of the ADA and the FCC's own regulations of functional equivalency.

The proposed emergency rule for certifying someone's eligibility to use the service demonstrates clearly a zero understanding of hearing loss and how it impacts an individual's ability to hear and understand what is being said. The decibel level of someone's hearing loss will tell you very little about that person's ability to discriminate speech, especially over the phone.

In fact, a quick review of the studies on the subject reveals that "The overall results of the studies on the effect of audibility demonstrate that audibility cannot adequately predict the reduced speech recognition of hearing-impaired listeners with moderate or severe losses." ("Speech recognition of hearing-impaired listeners: Predictions from audibility and the limited role of high-frequency amplification" by Teresa Y. C. Ching, Harvey Dillon, and Denis Byrne,

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October, 1997.) Moderate through severe hearing loss covers a range from 41 dB HL to 90 dB HL. Audibility is a function of both the degree of hearing loss and configuration or shape of the hearing loss. This cannot be reduced to a signal decibel number.

It should come as no surprise to the FCC that usage of this service is high. This is not a new service. The market has always been there and growing steadily. What's new is that there is an increased understanding by relay service providers of how to market to the people who can benefit from the service.

HLAA is outraged at such a proposed emergency order and will not stand by and see an entire segment of consumers with hearing loss denied a service that they need to function at work, at home, and in all aspects of their daily lives.

Emergency, rash actions are not the answer. As noted in the letter HLAA signed with other consumer groups, a normal notice and comment cycle is the appropriate way to approach issues such as this. To do otherwise sets a terrible precedent not only by deviating from a tried and true process, but also acting for the first time to set qualifying measures for TRS services that have never been used before, forcing the very people who need to the service most to jump through hoops before they can use a telephone again.

In short, HLAA will not support an emergency order that creates a decibel cut off as a means to establish qualification for captioned telephone services, that sets a moratorium on registrations, or in any way rations this vital service to consumers with hearing loss who need it.

Sincerely,

A handwritten signature in black ink that reads "Brenda Battat". The signature is written in a cursive, flowing style.

Brenda Battat
Executive Director

cc: Kris Monteith, Chief, Consumer & Governmental Affairs Bureau
Karen Peltz Strauss, Deputy Chief, Consumer & Government Affairs Bureau
Gregory Hlibok, Chief, Disability Rights Office